

AGENDA
FREMONT REDEVELOPMENT AGENCY REGULAR MEETING
APRIL 7, 2009
7:00 P.M.

1. CALL TO ORDER

2. CONSENT CALENDAR

Items on the Consent Calendar are considered to be routine by the Redevelopment Agency and will be enacted by one motion and one vote. There will be no separate discussion of these items unless an Agency Member or citizen so requests, in which event the item will be removed from the Consent Calendar and considered in its normal sequence on the agenda. Additionally, other items without a "Request to Address the Redevelopment Agency Board" card in opposition may be added to the consent calendar. (In the report section of the agenda, consent items are indicated by an asterisk.)

2.1 *Approval of Minutes for the Regular Meeting of March 10, 2009.*

2.2 ***SERVICE AGREEMENT WITH WAGSTAFF & ASSOCIATES, INC., FOR THE PREPARATION OF THE ENVIRONMENTAL IMPACT REPORT IN CONNECTION WITH THE PROPOSED REDEVELOPMENT PLAN AMENDMENT***

Consideration of Amendment #2 to the Service Agreement with Wagstaff & Associates, Inc., for the Preparation of the Environmental Impact Report in Connection with the Proposed Redevelopment Plan Amendment

Contact Person:

Name:	<i>Irene Klebanivska</i>	<i>Elisa Tierney</i>
Title:	<i>Business Manager</i>	<i>Director</i>
Dept.:	<i>Redevelopment</i>	<i>Redevelopment</i>
Phone:	<i>510-494-4510</i>	<i>510-494-4501</i>
E-Mail:	<i>iklebanivska@fremont.gov</i>	<i>etierney@fremont.gov</i>

RECOMMENDATION: *Authorize the Executive Director, or his designee, to execute an Amendment #2 in the amount of \$75,515 to the service agreement with Wagstaff & Associates, Inc., for a total amount of the agreement not to exceed \$405,515, for the completion of the CEQA documentation for the proposed Plan Amendment project. Funding for the proposed contract amendment is available in the Redevelopment Agency FY 2008/09 budget, under the "Contingency/Opportunity Fund" item (950RDA1026).*

3. PUBLIC COMMUNICATIONS

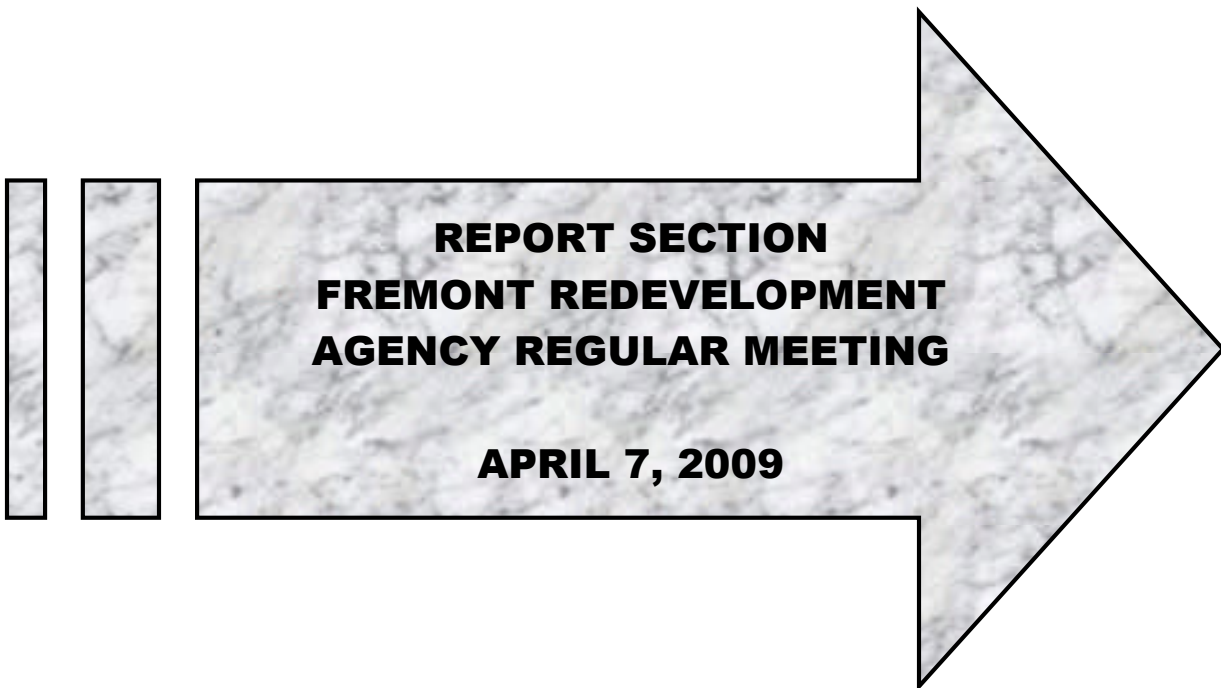
3.1 **Oral and Written Communications**

4. PUBLIC HEARINGS – None.

5. OTHER BUSINESS

5.1 Report Out from Closed Session of Any Final Action

6. ADJOURNMENT



REPORT SECTION
FREMONT REDEVELOPMENT
AGENCY REGULAR MEETING

APRIL 7, 2009

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Contact Person:

Name:	Irene Klebanivska	Elisa Tierney
Title:	Business Manager	Director
Dept.:	Redevelopment	Redevelopment
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Executive Summary: At its July 24, 2007 meeting, the Agency Board and City Council authorized staff to begin preparation of a proposed Redevelopment Plan Amendment, which would increase the tax increment revenue cap for the Industrial Project Area portion of the Merged Program Area and amend, restate and consolidate the currently separate redevelopment plans into a single Amended and Restated Redevelopment Plan for the Merged Project Area. The purpose of the Plan Amendment is to provide the Agency with additional financial resources necessary to contribute to the completion of the Irvington BART station and other redevelopment program activities identified in the 1998 Amended plans for the Merged Project Area, as well as to provide a significant increase in funding for affordable housing.

At the same July 24, 2007 meeting, the Agency Board and City Council authorized staff to assemble a team of consultants in order to prepare the necessary documentation required for the Plan Amendment. Over the course of the past 18 months, this team, which consists of the Agency special counsel (Goldfarb & Lipman), financial consultant (Seifel Consulting, Inc.) and environmental consultant (Wagstaff & Associates, Inc.), began the preparation of documentation required by the California Environmental Quality Act (CEQA) and California Community Redevelopment Law (CRL). Significant progress has been made, and staff and consultants are currently finalizing administrative drafts of major Plan Amendment documents, which would be available for public distribution and review later this spring. In order to complete the preparation of the required CEQA documentation, staff recommends that the Agency Board authorize the Executive Director, or his designee, to execute a \$75,515 amendment to the service agreement with Wagstaff & Associates, Inc., for the completion of the Environmental Impact Report for the proposed project. This would bring the total not-to-exceed amount of the contract to \$405,515.

BACKGROUND: The proposed Redevelopment Plan Amendment is an extensive process that entails the preparation of the following major documents (as well as consultations with taxing entities and public outreach):

Plan Amendment, Preliminary Report and Final Report: Pursuant to the CRL, the Plan Amendment text and a Preliminary and Final Report must be prepared to describe the updated proposed redevelopment program, and the rationale for the Plan Amendment. The reports include

an evaluation of the blight that remains in the Merged Project Area, an identification of any portions of the Merged Project Area that are no longer blighted, and an explanation as to why the proposed Plan Amendment is necessary to eliminate the remaining identified blight. A public hearing on the Final Plan Amendment will be conducted, culminating in consideration by the City Council of adoption of the Plan Amendment ordinance, tentatively proposed for late Fall/Winter 2009. Drafts of the Draft Plan Amendment text and Preliminary Report are substantially complete and await distribution together with the Draft Subsequent EIR described below.

CEQA Environmental Document: Pursuant to the CRL and CEQA, an environmental document must be prepared to evaluate the environmental impacts of the Plan Amendment. The Agency prepared an environmental impact report (EIR) for the 1998 merger of the four project areas and is currently assessing additional information and conducting an analysis of the physical characteristics and anticipated environmental impacts of those previously identified projects and programs under the enhanced tax increment revenue expenditure plan that would be made possible by the proposed Plan Amendment. This information and analysis are being assembled in the form of a Draft Subsequent EIR (or DSEIR).

Because time is of the essence for producing the necessary legal, financial and environmental documentation, the Agency Board and City Council authorized staff to utilize existing service agreements with Seifel Consulting, Inc., and Wagstaff & Associates, Inc., at its July 24, 2007 meeting. The original service agreements were approved by the City Council in 2002, when staff was initially directed to work on the proposed Plan Amendment project. As a result, Wagstaff & Associates, Inc., was retained under an existing contract in the amount of \$140,000 (of which approximately \$100,000 remained).

The original contract with Wagstaff & Associates, dating back to 2002, called for the review of the 1998 EIR, incorporation of information regarding present conditions surrounding the proposed projects, and integration of the relevant portions of the BART Warm Springs Extension SEIR, when it became available, into the Agency's environmental document. At that time, it was acknowledged that the budget and the timeline of the CEQA document preparation might need further revisions, based on the assessment of current conditions and the results of the supplemental environmental impact report for the BART Warm Springs Extension. The Agency and the environmental consultant were to evaluate these potential scope and budget revisions in early 2003; however, shortly thereafter, work on the proposed Plan Amendment was suspended due to the State's unfavorable budgetary environment.

After the Plan Amendment process was re-initiated in 2007, the original contract with Wagstaff & Associates, Inc., required an update to reflect the changes in project conditions and to allow for additional coordination of transportation and circulation analysis, as well as the consideration of additional project alternatives. The original 2002 agreement was extended by \$190,000 in July 2008, bringing the total contract amount to \$330,000.

Since the project was re-initiated, Wagstaff & Associates, Inc., has made significant progress towards the preparation of the required CEQA documentation, including preliminary assessment of the anticipated environmental impacts of the proposed project, as well as the preparation and issuance of the Notice of

Preparation, the companion Initial Study for the project, and the preparation of most chapters of the DSEIR.

At this time, the scope and the budget of the existing agreement require an additional revision to reflect the recent changes in the environmental legislation and case law and to incorporate most recent approaches in modeling and describing land use related greenhouse gas emissions impacts in the preparation of the EIR. In order to complete the preparation and the issuance of the DSEIR, and to prepare and circulate Final EIR documents, staff recommends that the Agency Board authorize the Executive Director, or his designee, to execute an Amendment #2 in the amount of \$75,515 to the service agreement with Wagstaff & Associates, Inc., for a total amount of the agreement not to exceed \$405,515.

ENCLOSURE: None

RECOMMENDATION: Authorize the Executive Director, or his designee, to execute an Amendment #2 in the amount of \$75,515 to the service agreement with Wagstaff & Associates, Inc., for a total amount of the agreement not to exceed \$405,515, for the completion of the CEQA documentation for the proposed Plan Amendment project. Funding for the proposed contract amendment is available in the Redevelopment Agency FY 2008/09 budget, under the “Contingency/Opportunity Fund” item (950RDA1026).

5.1 Report Out from Closed Session of Any Final Action